

MEMORANDUM

November 21, 2006

TO: THE LOS ANGELES COUNTY CLAIMS BOARD

FROM: ALI REZA SABOURI
Senior Deputy County Counsel
Law Enforcement Services Division

RE: Government Tort Claim of Anthony White

DATE OF
INCIDENT: January 6, 2005

AUTHORITY
REQUESTED: \$44,000


COUNTY
DEPARTMENT: Sheriff's Department

CLAIMS BOARD ACTION:

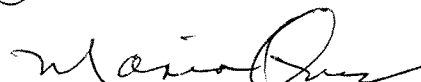
☒ Approve

☐ Disapprove

☐ Recommend to Board of
Supervisors for Approval


_____, Chief Administrative Office
ROCKY A. ARMFIELD


_____, County Counsel
JOHN F. KRATTLI


_____, Auditor-Controller
MARIA M. OMS

on December 4, 2006

SUMMARY

This is a recommendation to settle for \$44,000 the government tort claim of Anthony White, who was injured by other inmates in the Los Angeles County Jail.

LEGAL PRINCIPLE

The County is responsible for the intentional and negligent acts of its employees acting within the course and scope of their employment.

SUMMARY OF FACTS

On January 6, 2005, inmate Anthony White was assaulted by another inmate in the lock-up at the Antelope Valley Court. Thereafter, a request was submitted by a Sheriff's Deputy for Mr. White to be given a "K-10" protective custody status, because it was discovered that Mr. White had been labeled a "snitch" by other inmates. Mr. White was subsequently housed at Men's Central Jail in a segregated cell module.

On January 7, 2005, another Sheriff's Deputy requested a change of classification for Mr. White, because he felt that he did not meet the criteria for a "K-10." Mr. White was placed back in general population housing at Men's Central Jail, and on January 8, 2005, Mr. White was again assaulted by another inmate.

On January 11, 2005, Mr. White was transferred to the North County Correctional Facility and housed in a medical dorm due to his injuries. Notwithstanding the previous request for a "K-10" protective custody status, upon his release from the medical dorm on January 17, 2005, Mr. White was placed back into a general population dorm and was again assaulted by other inmates.

Thereafter, another request was submitted by a Sheriff's Deputy for Mr. White to be assigned a "K-10" protective custody status. Mr. White was housed in a segregated protective custody cell at North County Correctional Facility and Men's Central Jail until his release on February 13, 2005.

DAMAGES

Mr. White sustained a fractured orbit (eye socket) which required reconstructive facial surgery. He also sustained nerve damage to the side of his face and will require extensive oral surgery for damage to his teeth.

Should this matter proceed to litigation and trial, the potential damages could be as follows:

Medical expenses	\$ 75,000
Emotional Distress	\$100,000
Attorney's fees	<u>\$100,000</u>
Total	<u>\$275,000</u>

The proposed settlement calls for the County to pay \$44,000 to Mr. White for all of his claims for damages, costs and attorneys' fees.

STATUS OF CASE

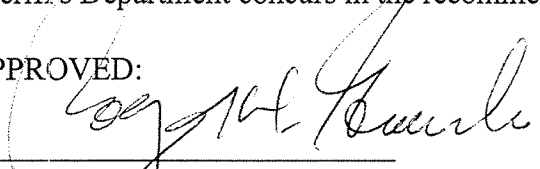
This matter is at the claim stage and has not proceeded to litigation. Expenses incurred by the County in defense of this matter are attorneys' fees of \$6,345. This includes time spent advising and consulting with the Sheriff's Department, review and analysis of numerous documents and negotiating the settlement.

EVALUATION

This is a case of potential liability. Mr. White should have been segregated from the general population based on the first assault against him and the fact that he had been labeled a "snitch" by other inmates. A reasonable settlement at the claim stage will preclude any litigation costs and a potential jury verdict that would likely exceed the proposed settlement.

We recommend a settlement of this matter in the amount of \$44,000. The Sheriff's Department concurs in the recommendation.

APPROVED:



ROGER H. GRANBO
Assistant County Counsel
Law Enforcement Services Division

RHG:mp